Attorney Docket No.: US 020027

REMARKS

I. INTRODUCTION

Claims 1, 6-12, 14, 16, 17, 19 and 20 have been amended. Claims 1-21 remain pending in the present application. No new matter has been added. In view of the above amendments and following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 102(b) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-7 and 9-20 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,035,339 to Agraharam et al. ("Agraharam") (See 03/22/06 Office Action, p. 2, lines 10-11).

Amended claim 1 recites, a "method for transmitting video data, comprising the steps of: *assigning a recipient to one of a plurality of multicast groups ("MGs"), each of the MGs being based on one of the group comprising an identified average or minimum available bandwidth of a link over which a data stream of a given video segment is to be multicasted; and an identified capability of the MG to which the data stream is to be multicasted*; selecting a corresponding one of the group comprising: one of a plurality of predetermined ranges of bandwidths, so that the selected range contains the identified average or minimum available bandwidth of the MG of the recipient; and one of a plurality of different data stream types, so that the identified capability of the MG of the recipient is used to process data of the selected data stream type; coding the data stream in a manner which takes advantage of the range of

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bandwidths or type of data stream that has been or is to be selected; and multicasting the coded data stream over the link to the MG of the recipient." (Emphasis added).

Agraharam generally relates to a network information delivery system that automatically determines end-user information output requirements based on predetermined data corresponding to each requesting end-user terminal. (See Agraharam, Abstract). Specifically, Agraharam describes a network information delivery device that searches the contents of a database to determine the information output requirements of an end-user terminal. (See Id., col. 2, lines 43-51). The database of the system obtains and stores a user profile when the end-user first subscribes to the network information delivery device. (See Id., col. 3, lines 31-45). When the end-user requests information such as multimedia information, the user profile is retrieved and used to package the information for delivery. (See Id.). Furthermore, the user profiles may be generated by a downloadable program to allow the network information delivery device to determine the end-user capabilities. (See Id., col. 3, line 64 – col. 4 line 4).

In contrast to Agraharam, amended claim 1 recites a method for multicasting video data that includes assigning a recipient to one of a plurality of multicast groups. These multicast groups allow the recipients to be grouped together based on their request for a particular scalable stream, wherein the grouped recipients are identified as having like bandwidths or like capabilities. (See Specification, p. 8, ¶ 0043). Once grouped together, the present invention is able to immediately stream the appropriate data stream to the assigned multicast group. (See Id.). Thus, the present invention can send bit-streams to a variety of multicast groups that take into consideration the capabilities or available average bit-rate for each recipient group. (See Id., p.5, ¶ 0023). Agraharam fails to teach or suggest the use of multicast groups in the multicasting of video data. The Examiner asserts that Agraharam discloses all of

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the subject matter defined by rejected claim 1. While Applicants do not concede that Agraharam teaches the previous recitations of claim 1, claim 1 is currently amended to incorporate the limitations of assigning a recipient to a multicast group based on identified bandwidth or capabilities, which is neither taught nor suggested by Agraharam.

Accordingly, Agraharam neither teaches nor suggests "...assigning a recipient to one of a plurality of multicast groups ("MGs"), each of the MGs being based on one of the group comprising: (1) an identified average or minimum available bandwidth of a link over which a data stream of a given video segment is to be multicasted; and (2) an identified capability of the MG to which the data stream is to be multicasted," as recited in amended claim 1. Applicants respectfully submit that for at least the reasons stated above, claim 1 of the present application is not anticipated by Agraharam, and request that the rejection of this claim be withdrawn.

The Examiner rejected claim 10 using the same argument for the rejection of claim 1 over Agraharam. (See 03/22/06 Office Action, p. 4, lines 16-18). However, claim 10 is currently amended to recite, "...means for assigning a recipient to one of a plurality of multicast groups ("MGs"), each of the MGs being based on one of the group comprising: (1) an identified average or minimum available bandwidth of a link over which a data stream of a given video segment is to be multicasted; and (2) an identified capability of the MG to which the data stream is to be multicasted..." Therefore, Applicants respectfully submit that claim 10 is allowable for at least the reasons discussed above with regard to claim 1.

The Examiner rejected claim 12 using the same argument for the rejection of claim 1 over Agraharam. (See 03/22/06 Office Action, p. 4, lines 20-22). However, claim 12 is currently amended to recite, "...assigning a recipient to one of a plurality of multicast groups ("MGs"), each of the MGs being based on one of the group comprising: (1) an identified average

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or minimum available bandwidth of a link over which a data stream of a given video segment is to be multicasted; and (2) an identified capability of the MG to which the data stream is to be multicasted..." Therefore, Applicants respectfully submit that claim 12 is allowable for at least the reasons discussed above with regard to claim 1.

The Examiner rejected claim 17 using the same argument for the rejection of claim 1 over Agraharam. (See 03/22/06 Office Action, p. 5, lines 5-7). However, claim 17 is currently amended to recite, "...assigning a recipient to one of a plurality of multicast groups ("MGs"), each of the MGs being based on one of the group comprising: (1) an identified average or minimum available bandwidth of a link over which a data stream of a given video segment is to be multicasted; and (2) an identified capability of the MG to which the data stream is to be multicasted..." Therefore, Applicants respectfully submit that claim 17 is allowable for at least the reasons discussed above with regard to claim 1.

III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 8 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Agraharam in view of U.S. Patent No. 6,151,636 to Schuster et al. ("Schuster"). (See 03/22/06 Office Action, p. 5, lines 20-22). As discussed above, Agraharam does not teach or suggest all the limitations of independent claim 1. It is respectfully submitted that Schuster is insufficient to cure the above-stated deficiencies of Agraharam. Because claims 8 and 21 depend from, and, therefore include all the limitations of claim 1, it is respectfully submitted that claims 8 and 21 are allowable for the reasons stated above with reference to claim 1.

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CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.
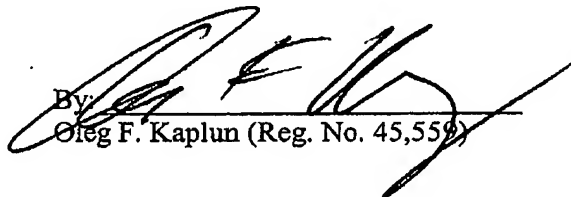
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Respectfully submitted,

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